

1 Thomas P. Quinlan, WSBA #21325
2 Andrea H. Brewer, WSBA #52724
3 SMITH ALLING, P.S.
4 1501 Dock Street
5 Tacoma, WA 98402
6 (253) 627-1091
7 tom@smithalling.com
8 andrea@smithalling.com
9 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON AT TACOMA

10 KRISTIN ANDRADE, as Trustee for The Paul
11 H. Stavig Family Revocable 1976 Trust, f/k/a
12 The Paul and Lorraine Stavig Revocable Living
13 Trust, dated February 11, 1976; and KRISTIN
14 ANDRADE, as Trustee of The California Special
15 Fund Oral Trust, dated June 27, 2012;

16 Plaintiffs,

17 v.

18 BARRY ANTON, an individual; BARRY
19 ANTON, as Personal Representative for the
20 Estate of Maren Stavig; BARRY ANTON, as
21 Trustee of the Anton and Stavig Living Trust;
22 The Estate of Maren Stavig; The Anton and
23 Stavig Living Trust,

Defendants.

No. 3:18-cv-05997-RBL

MOTION TO SET TRIAL DATE

**NOTE ON MOTION
CALENDAR: OCTOBER 2, 2020**

20 **I. RELIEF REQUESTED**

21 Defendant Barry Anton respectfully requests that the Court set a trial date to occur
22 before December 18, 2020, but preferably in either late October or November 2020. No
23

MOTION TO SET TRIAL DATE
(Cause No. 3:18-cv-05997-RBL) – Page 1

SMITH | ALLING^{PS}
ATTORNEYS AT LAW

1501 Dock Street
Tacoma, Washington 98402
Telephone: (253) 627-1091
Facsimile: (253) 627-0123

1 additional scheduling order dates are needed as the Court's prior order carried the parties
2 through discovery and trial submissions.

3 II. SUPPORT

4 The records and files herein, as well as the Declaration of Defendant's counsel,
5 Thomas P. Quinlan ("Quinlan Decl.") with exhibits, support this Motion.

6 III. BASIS

7 Plaintiff filed this matter in this court on December 3, 2018 (Dkt. 1), approximately
8 two months after Plaintiff filed identical claims in the U.S. District Court, Eastern District of
9 California, Sacramento Division, under cause number 2:18-CV-02711 (the "California federal
10 action"). *See Amended Complaint*, ¶¶ 33, 43, 50, 54, 56 (Dkt. #22). This matter has been
11 pending for nearly two years.

12 Under the case scheduling order issued March 4, 2019, trial was set to occur Janu-
13 ary 3, 2020. (Dkt. 18), and was continued to April 27, 2020 under Plaintiff's motion to
14 continue. (Dkt. 47); (Dkt. 49). The Covid-19 pandemic interfered with this date, and trial was
15 set again for August 10, 2020. (Dkt. 59). On July 14, 2020, the trial date was stricken – again,
16 but all other deadlines in the case schedule remained intact and have now passed. *Quinlan*
17 *Decl.* at Ex. 1. No new trial date has been issued. In an email received July 15, 2020, the
18 Court advised, "The case would be teed up and ready to go for the next judge. Judge Leighton
19 is not setting new trial dates. However, *the parties* may propose an agreed new trial date." *Id.*

20 The parties concur this matter will be a two day trial to the bench. The parties have
21 waived jury trial. However, a trial before December 18, 2020 is requested in order to avoid
22 further delay and prejudice. The Defendant will incur financial prejudice if the matter is not
23 concluded as requested.

1 The Defendant's counsel is winding up his private practice by mid-December 2020.
2 He has been elected to serve as Pierce County Superior Court judge and will take office in
3 January 2021. *Id.* Therefore, the Defendant respectfully requests that this matter, which has
4 now been pending for nearly two years, be set for a two-day bench trial no later than
5 concluding on December 18, 2020. *Id.*

6 Defense counsel has coordinated with Plaintiff's counsel to confirm available trial
7 dates through November 2020. *Id.*

8 **Available** trial dates for both parties are:

- 9 • October 26-30
10 • November: 2-3, 10-20, and 30. *Id. at Ex. 2.*

11 **IV. CONCLUSION**

12 The Defendant respectfully requests the Court set a trial date for a two-day bench trial
13 to occur in late October or November, but no later than concluding December 18, 2020. No
14 additional dates are required of the Court as the prior scheduling order carried the parties
15 through submission of trial materials and discovery.

16 RESPECTFULLY SUBMITTED this 18th day of September, 2020.

17 SMITH ALLING, P.S.

18
19 /s/ Thomas P. Quinlan
20 Thomas P. Quinlan, WSBA No. 21325
21 Andrea H. Brewer, WSBA No. 52724
22 Attorneys for Defendant
23

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the below date, I caused the foregoing document to be served pursuant to the Fed. R. Civ. Proc. 5(b)(2)(E), by sending it to a registered user by filing with the Court's electronic filing system as indicated below:

Attorneys for Plaintiffs:

Daniel A. Hunt
Pro Hac Vice
Law Offices of Daniel A. Hunt
798 University Avenue
Sacramento, CA 95825
dhunt@dhtrustlaw.com

Ilene A. Lund
Law Offices of Ilene A. Lund
7001 5th Avenue, Ste. 4400
Seattle, WA 98104
ilene@ilundlaw.com

Scott C. Breneman
Breneman Grube Orehoski, PLLC
1200 5th Ave. Ste. 625
Seattle, WA 98101-3118
scott@rgbcounsel.com

SIGNED AT Tacoma, Washington on this 18th day of September, 2020.

/s/ Julie A. Perez
Julie A. Perez